

# VEDDER PRICE

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OFFICES IN CHICAGO, NEW YORK CITY, AND ROSELAND, NEW JERSEY

July 6, 2006

## **By Messenger Delivery**

Mr. Mazin Enwiya  
Remedial Project Manager  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**Re: Ellsworth Industrial Park, Downers Grove, Illinois**

Dear Mr. Enwiya:

We represent Bison Gear & Engineering Corporation ("Bison Gear"). We are writing in response to Thomas Krueger's letter to Bruce White dated June 12, 2006, and his follow-up email to Mr. White dated June 27, 2006, in both of which Mr. Krueger asked that each of the "Settling Respondents" (of which Bison Gear is one) provide you with certain documents and information. In response to that request and on behalf of Bison Gear, we enclose the following:

- A CD ROM containing all documents produced by Bison Gear in the *Muniz v. Rexnord* litigation (which documents are Bates-labeled BI 0001 - BI 1130);
- A copy of Bison Gear's Answer to Plaintiffs' Second Amended Complaint in the *Muniz* litigation;
- A copy of three answers to interrogatories provided by Bison Gear in the *Muniz* litigation (entitled: Bison Gear's Answer to Third-Party Plaintiffs' First Set of Interrogatories; Third-Party Defendant Bison Gear & Engineering Corporation's Answers to Plaintiffs' Interrogatories; and, Bison Gear & Engineering Corporation's Answers to Lovejoy, Inc.'s First Set of Interrogatories to Bison Gear & Engineering Corporation);
- A copy of a subpoena in the *Muniz* litigation that Bison Gear issued to Beaver Oil Company, Inc., and a copy of all documents produced by Beaver Oil in response to that subpoena;
- A copy of a subpoena in the *Muniz* litigation that Bison Gear issued to Safety-Kleen Systems, Inc., and a copy of Safety-Kleen's response to that subpoena;



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- A copy of a subpoena in the *Muniz* litigation that Bison Gear issued to Clean Harbors of Chicago, Inc., and a copy of all documents produced by Clean Harbors in response to that subpoena;
- A copy of the transcript from the deposition of George Thomas taken on June 18, 2001;
- A copy of the transcript from the deposition of Dennis O'Donnell taken on February 27, 2006;
- A copy of the transcript from the deposition of David Cohn taken on February 27, 2006;
- A copy of the transcript from the deposition of Hector Baez taken on February 28, 2006;
- A copy of the transcript from the deposition of Roger Daley taken on February 28, 2006;
- A copy of the expert report dated June 14, 2006 prepared by Gordon M. Stevens on behalf of Bison Gear in the *Muniz* litigation;
- A copy of the expert report dated June 26, 2006 prepared by Roy M. Christianson on behalf of Bison Gear in the *Muniz* litigation

For your information, we are not enclosing the data gleaned from several more recent investigations on certain Ellsworth Industrial Park ("EIP") properties – specifically the data identified in the last five bullet points in the June 23, 2006 letter to you from Mark Bilut (McDermott Will & Emery) – in light of our understanding that Mr. Bilut provided that data to you with his June 23 letter.

In the June 27, 2006 email to Mr. White, Mr. Krueger asked that each Settling Respondent also identify a contact person for arranging access to that entity's property in the EIP. As I believe you may be aware, Bison Gear ceased all operations in the EIP in 1997, and it no longer has any control over, or access to, any property in the EIP. Mr. Krueger additionally asked in his email whether any of the Settling Respondents wish to be named as an additional insured under relevant insurance policies carried by the U.S. EPA's contractor(s). Please be advised that Bison Gear does not wish to be so-named.

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If you have any questions about the foregoing, you are welcome to contact my colleague Joseph Strubbe or me.

Very truly yours,

VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.

A handwritten signature in black ink, appearing to read 'BCN', with a long horizontal flourish extending to the right.

Bruce C. Nelson

BCN/jj

Encls.

cc: Thomas J. Krueger, Esq. (by U.S. mail; w/out encls.)  
A. Bruce White, Esq. (by U.S. mail; w/out encls.)  
Joseph A. Strubbe, Esq.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY

JUL 07 2006

OFFICE OF REGIONAL  
COUNSEL